



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,062	04/20/2000	Richard R. Reisman	2222.431000A	5601
26111 7590 04/23/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PEYTON, TAMMARA R	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 04/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/556,062	Applicant(s) REISMAN, RICHARD R.	
	Examiner Tammara R Peyton	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 140, 142-151 and 176-178 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 140, 142-151 and 176-178 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9/30/05</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed September 30, 2005 fail to comply with the provisions of 37 CFR 1.52(e) and 37CFR 1.98.

At least some of the information on the CD-ROM/DVD does not fall into any of the categories listed in 37 CFR 1.52(e)(1)

The following documents may be submitted to the Office on a compact disc in compliance with this paragraph:

- (i) A computer program listing (see § 1.96);
- (ii) A "Sequence Listing" (submitted under § 1.821(c)); or
- (iii) Any individual table (see § 1.58) if the table is more than 50 pages in length, or if the total number of pages of all of the tables in an application exceeds 100 pages in length, where a table page is a page printed on paper in conformance with paragraph (b) of this section and § 1.58(c).

Many of the data files are not in ASCII format as required by 37 CFR 1.52(e)(3)(i)

Each compact disc must conform to the International Standards Organization (ISO) 9660 standard, and the contents of each compact disc must be in compliance with the American Standard Code for Information Interchange (ASCII). CD-R discs must be finalized so that they are closed to further writing to the CD-R.

Art Unit: 2182

Further, the conversion of a paper document to an ASCII data format for an IDS will not usually provide an accurate and complete version. Thus the requirement for a copy of the listed document is not complied with 37 CFR 1.98(a)(2) by the CD- ROM/DVD.

The CD-ROM/DVD will not be made part of the permanent record, and the information referred to therein has not been considered as to the merits.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

Claim 140 recites the limitation "...wherein, for each of the plurality of portable storage media, the user interface is customized with respect to the fixed content stored on the portable storage medium when the user accesses the fixed content stored on **the storage medium**...". There is insufficient antecedent basis for this limitation in the claim. Specifically, Examiner is unsure if "**the storage medium**" this is the same "the portable storage medium" recited early in the claim or a different storage medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

Claims 140, 142-151 and 176-178 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp et al., US 5,347,632.

As per claims 140, 146-149, 151, and 176-178, Filepp teaches a processor that executes the programmed logic to enable a user at the user station (405, Fig. 2) to access, via the user interface, fixed content from each of a plurality of portable storage media (426, 428 – application software and operating system software for initiating communication with an interactive network, 10, Fig.2, col. 4, lines 44-60) together with respective remote content (from interactive network, 10, Fig.2) from one or more remote content sources, and wherein, for each of the plurality of portable storage media, the user interface is customized with respect to the fixed content stored on the portable storage medium when the user access the fixed content stored on the storage medium.

Filepp teaches wherein a user station is provided with one or more floppy disk drives that hold an application software product that allows for the user to obtain access

Art Unit: 2182

to an interactive network by means of a dial up connection. (col. 4, lines 60-col. 5, lines 1-68) Specifically, the software product offers the user the ability to access a service (i.e. news, industry, financial needs, hobbies, and cultural interests, etc., col. 6, lines 3-68, col. 7, lines) for use by an application program installed on the user station. Filepp specifically teaches wherein the user interface is customized with respect to the fixed content stored on the portable storage medium (application software) with respective remote content from one or more remote content sources. For example, Filepp teaches wherein the user is able to receive updated stock quotes during a particular user session. Therein, one of ordinary skill would readily recognize that the user's display screen must be refreshed regularly in order for the user to receive the ever change stock prices. (note Fig. 3, Filepp discloses the screen format and how updates related to the web page screen are obviously refreshed, col. 8, lines 64-col.22) Therefore, it would have been obvious to one of ordinary skill at the time the invention was made that the application software loaded on the user station that allows the user to initiate a connection to an interactive network is respective to remote content sources (updated stock quote data downloaded to the user station) from the remote content source.

Filepp teaches wherein the floppy disk drives includes an application and operating system software that enable the user to initiate connections to the interactive network, it would have been obvious to one of ordinary skill at the time the invention was made that the dial up information/protocol/network address specification associated with the interactive network are also provided on the floppy disk. (Note Abstract and Specification, Figs. 1-11)

As per claims 142-145 and 150, Filepp teaches wherein the user station connects to an interactive network 10, however, Filepp specifically teaches wherein "multiple servers, gateways and information layers.." could be included "in the event even larger numbers of users were sought to be served," col. 4, lines 19-43) In other words, Filepp's system is not limited to interaction with one remote source but could be connected to multiple servers for interaction with a host of other services. Therein, it would have been obvious to one of ordinary skill at the time the invention was made that Filepp's teaches another embodiment that does not limit the user station to interaction with just one remote source but with a system that could includes shared servers, gateways, etc. that would come from different remote sources. Further, it would have been obvious to one of ordinary skill in the art at the time of invention that because the software product takes the object-oriented approach, this ensures that user interface with be customized with the respective remote source content.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Tammara R Peyton

Primary Examiner, Art Unit 2182

September 4, 2007

A handwritten signature in black ink, appearing to read "Tammara Peyton", written in a cursive style.

**TAMMARA PEYTON
PRIMARY EXAMINER**